

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT**

J.S.,

Petitioner-Appellant,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent-Appellee.

No. 2023-1644

ECF

**UNOPPOSED MOTION FOR EXTENSION OF TIME**

Pursuant to Rule 26(b) of the Federal Rules of Appellate Practice and Rule 26(b)(1) of the Federal Circuit Rules, Respondent-Appellee, the Secretary of Health and Human Services, respectfully requests an extension of thirty (30) days to file his principal brief. The proposed date to which the extension is to run is October 2, 2023. This is Respondent-Appellee's first request for an extension of time.

The reason for this request is that following the filing of Petitioner-Appellant's principal brief on July 24, 2023, the undersigned was out of the country for nine days and was therefore unable to begin working on preparing a responsive brief. Additionally, Petitioner-Appellant's arguments on appeal raise complex issues of fact and involve an extensive record embodied in a 4490-page

Appendix.<sup>1</sup> For these reasons and due to the undersigned's competing professional obligations, Respondent-Appellee needs additional time to prepare his principal brief.

The undersigned has communicated with opposing counsel. Petitioner-Appellant's counsel has indicated that Petitioner-Appellant does not object to said request for an extension of time.

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney  
General

C. SALVATORE D'ALESSIO  
Director  
Torts Branch, Civil Division

HEATHER L. PEARLMAN  
Deputy Director  
Torts Branch, Civil Division

ALEXIS B. BABCOCK.  
Assistant Director  
Torts Branch, Civil Division

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<sup>1</sup> Although the Appendix has not yet been filed, Petitioner-Appellant's counsel has provided a copy to the undersigned.

/s/ Zoë R. Wade

ZOË R. WADE

Trial Attorney

Torts Branch, Civil Division

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Date: August 25, 2023

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**DECLARATION**

I, Zoë R. Wade hereby declare as follows:

1. I am an attorney with the Civil Division of the U.S. Department of Justice and counsel of record in the above-referenced matter.
2. I have been assigned primary responsibility for preparing and filing the government's principal brief in this appeal.
3. Petitioner-Appellant filed her principal brief on July 24, 2023.
4. On July 25, 2023, I was out of the country for a previously scheduled trip and was, therefore, unable to begin working on the government's responsive brief. I returned to the office on August 3, 2023. Upon my return, I attended to several substantive matters with more immediate deadlines.

5. On August 17, 2023, I contacted Petitioner-Appellant's counsel to request a copy of the Appendix. The same day counsel provided a link to the Appendix (which has been prepared, but not yet redacted). The Appendix is 4490 pages in length.

6. The issues raised by Petitioner-Appellant in her principal brief primarily involve disputes over the facts of this case – specifically the medical record history, including diagnosis, and the opinions of the parties' respective experts. This has required re-examination of the full evidentiary record, which has taken a substantial amount of time.

7. In addition to completing the government's principal brief in this case, I have numerous other internal responsibilities with pressing deadlines. From the time of filing this Motion for Extension of Time through the requested extension period, I currently have deadlines to prepare one post-hearing brief, three briefs in response to motions for ruling on the record, and one appellate brief to this Court. Additionally, I have one hearing scheduled for three days in late September, 2023. Due to my competing obligations, I respectfully an additional thirty (30) days to file Respondent-Appellee's principal brief in this case.

8. On August 24, 2023, I communicated with Petitioner-Appellant's counsel who indicated that Respondent-Appellee's request for an additional thirty (30) days is unopposed.

I declare under penalty of perjury that the above and foregoing is true and correct.

/s/ Zoë R. Wade

ZOË R. WADE

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